

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
 S/S North Point Blvd. 345 ft.
 E of c/l Norris Lane * ZONING COMMISSIONER
 2719 North Point Blvd.
 15th Election District * OF BALTIMORE COUNTY
 7th Councilmanic District
 Legal Owner: SSAK Partnership * Case No. 96-141-A
 Contract Purchaser: Cox Auto
 Parts, Inc., Petitioner

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 2719 North Point Boulevard in eastern Baltimore County. The Petition is filed by SSAK Partnership, property owner, and Cox Auto Parts, Inc., Lessee. Both of those entities are family businesses operated by the Dansicker family. Variance relief is requested from Section 238.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a side yard setback of 2 ft. for a proposed addition to an existing building for which a side yard setback of 2 ft. was previously granted in case No. 87-416-A; and also a variance to permit a distance of 52 ft. between buildings in lieu of the required 60 ft. in accordance with a nonconforming use designation approved for the subject property and use thereon in case No. 3814. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Zoning Variance.

Appearing at the requisite public hearing held for this case was Stanley Dansicker on behalf of the Petitioner. There were no Protestants or other interested persons present.

A review of the case file, prior decisions of this office and the limited testimony offered by Mr. Dansicker disclose that the subject property is approximately 2.00 acres in area, split zoned B.R.-C.S.-1,

ORDER RECEIVED FOR FILING

Date

By

3/22/96
 M. Novak

96-141-A

B.R. and B.L. The site is an irregularly shaped property which fronts North Point Blvd. in eastern Baltimore County. The site is utilized to the operation of Cox Auto Parts, Inc., a company which conducts used auto parts sales, a junk yard operation and used car reconditioning. This is a family business operated by Mr. Dansicker and others. Examination of the site plan shows that the front portion of the site, adjacent to North Point Boulevard is zoned B.R.-C.S.-1 and contains the majority of the improvements on the entire property. These include an existing 2400 sq. ft. shed, a 3278 sq. ft. building which contains a 1600 sq. ft. addition, a 144 sq. ft. existing trailer and an existing service area. Moreover, several other small buildings are situated on the front of the parcel as well as a designated parking area. The rear of the site, which is zoned B.R. and B.L. is fenced and is used as a junk yard.

Mr. Dansicker indicated that the company's primary business is that of an automobile recycler and junk yard. It obtains damaged automobiles from insurance companies and breaks down the vehicles to sell used parts. There is also some sale of vehicles from the site.

The Petitioner proposes constructing another building on the property. This building will be 60 ft. in depth and 40 ft. in width with a proposed floor area of 2620 sq. ft. The building will be utilized so as to provide more indoor space for the businesses which operate on the site. The building will be situated near the southern property line, and will contain approximately a 2 ft. setback. This is consistent with a 2 ft. setback maintained by an addition to an existing building.

The Petitioner claims that the variance is appropriate and consistent with the surrounding locale. Indeed, a site visit to the property and examination of the site plan shows that similar industrial/retail businesses exist nearby. The property is located in the long established commer-

ORDER RECEIVED FOR FILING

Date

By

cial area of the County and has been utilized in the current fashion for many years.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the B.C.Z.R. and the case law. The Petitioner has met the practical difficulty test and established that the property is unique. The uniqueness comes from the shape of the property and an existing nonconforming use thereon. The additional building is consistent with the long term use of this property and the use of surrounding properties.

The more difficult issue presented in this case relates to the Zoning Plans Advisory Committee comment. The Office of Planning recommends the attachment of two conditions should variance relief be granted. First, that office suggests that seasonal streamers and banners not be utilized in connection with the used car sales operation of the property. Also, the Office of Planning suggests that the applicant should meet with the County's Landscape Architect in order to address the need for street trees along North Point Boulevard. The office notes that the planting of such trees would be consistent with the County's attempt to improve the visual quality along North Point Boulevard and to revitalize the area. The office of Development Plans Review suggests that the variance request is subject to the Landscape Manual requirements. Although this is, indeed, the case as to the proposed construction, the remainder of the site is grandfathered from compliance with the current landscape requirements.

Landscaping a junk yard is somewhat oxymoronic. Nonetheless, this vicinity is the focus of County revitalization efforts. I will grant the variance request, however, I will require the Petitioner to consult the County's Landscape Architect for the purpose of developing a plan to

ORDER RECEIVED FOR FILING

Date

By

3/23/96
M. G. G. G.

landscape the front portion of the property adjacent to North Point Boulevard. Obviously, the inherent nature and use of this site limit the amount of visual screening which can be applied. However, some efforts to buffer the use from North Point Boulevard consistent with the County's revitalization efforts for this overall area is appropriate. Moreover, I will adopt the comment from the Office of Planning regarding the limitation on the outdoor advertising for the property.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

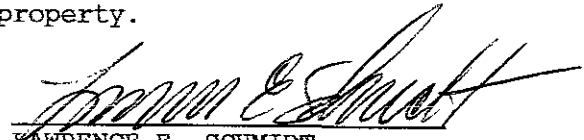
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 22nd day of March, 1996 that a variance from Section 238.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a side yard setback of 2 ft. for a proposed addition to an existing building for which a side yard setback of 2 ft. was previously granted in case No. 87-416-A, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance to permit a distance of 52 ft. between buildings in lieu of the required 60 ft. in accordance with a nonconforming use designation approved for the subject property and use thereon in case No. 3814, be and is hereby GRANTED subject, however, to the following restrictions:

1. The Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. Prior to the issuance of any building permits, the Petitioner shall meet with the County's Landscape Architect in order to address the need for street trees along North Point Boulevard and develop a plan for same consistent with the comments herein.

3. The Petitioner shall not use seasonal streamers and banners in connection with the used car sales operation on the property.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mm

ORDER RECEIVED FOR FILING
Date 3/22/96
By M. Novak

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

March 21, 1996

Mr. Stanley Dansicker
2719 North Point Boulevard
Baltimore, Maryland 21222

RE: Case No. 96-141-A
Petition for Zoning Variance
Property: 2719 North Point Blvd.

Dear Mr. Dansicker:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, with restrictions.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt".

Lawrence E. Schmidt
Zoning Commissioner

LES:mmm
att.



141



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2719 North Point Blvd.

which is presently zoned BR-CS-1, BR & BL

96-141-A

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 238.2 to permit a sideyard setback of 2' for a proposed addition to an existing building for which a sideyard setback of 2' was granted in case #87-416A and a distance of 52' between buildings in lieu of required 60' (a variance of 28' & 8') in accordance with the non-conforming use granted in Case #3814.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

To be determined at Hearing

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

Cox Auto Parts, Inc.
(Type or Print Name)

Signature

2719 North Point Blvd.

Address

Baltimore, MD

City

State

21222

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

Phone No

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Legal Owner(s)

SSAK Partnership
(Type or Print Name)

Signature

(Type or Print Name)

Signature

2719 North Point Blvd. (410)288-6646

Address

Phone No.

Baltimore, MD

City

State

21222

Zipcode

Name, Address and phone number of representative to be contacted.

Name

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY: nmh

DATE

9/29/95



Printed with Soybean Ink
on Recycled Paper



Paul Lee, P.E.

141

Paul Lee Engineering Inc.
304 W. Pennsylvania Ave.
Towson, Maryland 21204
410-821-5941

96-141-A

DESCRIPTION

#2719 NORTH POINT BOULEVARD

15TH ELECTION DISTRICT - BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point located on the south side of North Point Boulevard said point also being located 345 feet ⁺ east of the center of Norris Lane; thence leaving said south side of North Point Boulevard:

- (1) South 24°42'12" East - 9.20 feet
- (2) South 45°07'41" West - 127.84 feet
- (3) South 24°42'12" East - 36.06 feet
- (4) South 65°17'48" West - 280.15 feet
- (5) South 24°42'12" East - 164.25 feet, and
- (6) North 65°17'48" East - 515.87 feet

to the south side of North Point Boulevard; thence binding on the south side of North Point Boulevard

(7) North 49°14'00" West - 278.75 feet
to the point of beginning.

Containing 2.00 acres of land, more or less.



9/14/95
J.O. 86-033

Engineers — Surveyors — Site Planners

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #96-141-A
(Item 141)
2719 North Point Boulevard
S/S North Point Boulevard
345 E. of El Norris Lane
15th Election District
7th Councilmanic
Legal Owner(s):
SSAK Partnership
Contract Purchaser(s):
Cox Auto Parts, Inc.

Variance: to permit a side yard setback of 2 feet for a proposed addition to an existing building for which a side yard setback of 2 feet was granted in case #87-416-A and a distance of 62 feet between buildings in lieu of the required 60 feet in accordance with the non-conforming use granted in Case #3814.

Hearing: Monday, November 13, 1995 at 11:00 a.m. in Rm. 118, Old Courthouse.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible, for special accommodations Please Call 887-3363.
(2) or information concerning the file and/or Hearing, Please Call 887-3391.

10/20/95 Oct. 19.

CERTIFICATE OF PUBLICATION

TOWSON, MD., 10/23, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10/19, 1995.

THE JEFFERSONIAN,

A. H. Henkleman
LEGAL AD. - TOWSON

~~REMOVED~~

BALTIMORE, JNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No.

007007

DATE 9/29/95 ACCOUNT 01-615

Item: 141
By: MK

AMOUNT \$ 285.00

RECEIVED FROM: SSAK Partnership - 2719 North Point Blvd.
020 - Comm Variance - \$250.00
080 - sign posting - \$ 35.00
\$ 285.00

FOR: _____

96-141-A

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
 - 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.
- NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 141

Petitioner: SSAK Partnership

Location: 2719 North Point Blvd

PLEASE FORWARD ADVERTISING BILL TO:

NAME: SSAK Partnership

ADDRESS: 2719 North Point Blvd

Balto. MD 21222

PHONE NUMBER: (410) 288-6646

AJ:ggs

RECEIVED

(Revised 04/09/93)

TO: PUTUXENT PUBLISHING COMPANY
October 19, 1995 Issue - Jeffersonian

Please forward billing to:

SSAK Partnership
2719 North Point Boulevard
Baltimore, MD 21222
288-6646

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-141-A (Item 141)
2719 North Point Boulevard
S/S North Point Boulevard, 345' E of c/l Norris Lane
15th Election District - 7th Councilmanic
Legal Owner: SSAK Partnership
Contract Purchaser: Cox Auto Parts, Inc.

Variance to permit a side yard setback of 2 feet for a proposed addition to an existing building for which a side yard setback of 2 feet was granted in case #87-416-A and a distance of 52 feet between buildings in lieu of the required 60 feet in accordance with the non-conforming use granted in Case #3814.

HEARING: MONDAY, NOVEMBER 13, 1995 at 11:00 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

October 12, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-141-A (Item 141)
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15th Election District - 7th Councilmanic
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Variance to permit a side yard setback of 2 feet for a proposed addition to an existing building for which a side yard setback of 2 feet was granted in case #87-416-A and a distance of 52 feet between buildings in lieu of the required 60 feet in accordance with the non-conforming use granted in Case #3814.

HEARING: MONDAY, NOVEMBER 13, 1995 at 11:00 a.m. in Room 118, Old Courthouse.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director

cc: SSAK Partnership/Cox Auto Parts, Inc.

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

November 6, 1995

Cox Auto Parts, Inc.
2719 North Point Blvd.
Baltimore, MD 21222

RE: Item No.: 141
Case No.: 96-141-A
Petitioner: SSAK Partnership

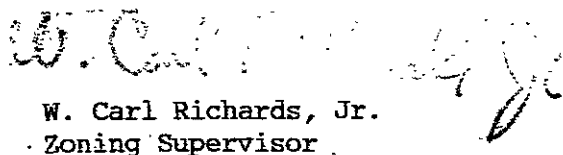
Gentlemen:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on September 29, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,


W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

ENCLOSURE



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM

DATE: October 20, 1995

FROM: Pat Keller, Director, OP

SUBJECT: 2719 North Point Road

INFORMATION:

Item Number: 141

Petitioner: SSAK Partnership

Property Size: _____

Zoning: BR-AS, BR and BL

Requested Action: Variance

Hearing Date: _____ / _____ / _____

SUMMARY OF RECOMMENDATIONS:

Staff recommends the following conditions be attached should the applicant's request be granted.

1) Seasonal streamers and banners should not be used in connection with the used car sales operation on the property.

2) Prior to the issuance of building permits, the applicant should meet with the County Landscape Planner in order to address the need for street trees along North Point Boulevard. The provision of street trees would be consistent with the County's attempt to improve the visual quality along the North Point Boulevard Corridor.

Prepared by: Jeffrey W. Long

Division Chief: Caryl Kerns

PK/JL

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: Oct. 18, 1995
Zoning Administration and Development Management

FROM: *RWB* Robert W. Bowling, P.E., Chief
Development Plans Review Division

RE: Zoning Advisory Committee Meeting
for October 16, 1995
Item No. 141

The Development Plans Review Division has reviewed the subject zoning item. This variance request is subject to the Landscape Manual requirements.

RWB:sw

FAX

5108

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: ZADM - Joyce Watson

DATE: 10/19/95

FROM: DEPRM
Development CoordinationSUBJECT: Zoning Advisory Committee
Agenda: 10/2 and 10/10/95

| | | | | | |
|-------------------|--------------|---------|------------|------------|---|
| Post-It® Fax Note | 7671 | Date | 10/19/95 | # of pages | 1 |
| To | Joyce Watson | From | Letty Sonn | | |
| Co/Dept | PDM | Co. | | | |
| Phone # | | Phone # | 3980 | | |
| Fax # | 5708 | Fax # | | | |

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

ZAC MTG of
Oct. 2

Item #'s:

123
124
125
126
127
131
132

ZAC MTG of
Oct. 10

133
136
137
138
141
142
143
144

LS:sp

LETTY2/DEPRM/TXTS8P

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 10/11/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF OCT. 10, 1995.

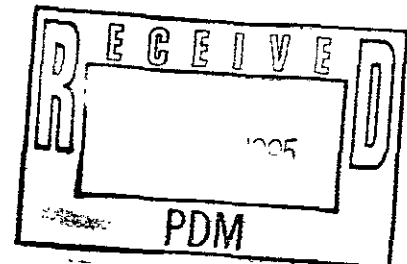
Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 135, 136, 137, 138, 139,
140, 141, 142 AND 144. 8



REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File





Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

10-10-95

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204


RE: Baltimore County
Item No. 141 (MJK)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval, as a field inspection reveals the existing entrance(s) onto MD/US #151 are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA projects.

Please contact Bob Small at 410-333-1350 if you have any questions. Thank you for the opportunity to review this item.

Very truly yours,


for Ronald Burns, Chief
Engineering Access Permits
Division

BS

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

PETITION PROBLEMS

#133 — MJK

1. No telephone number for legal owner.

#136 — JRA

1. No zoning on petition form.

#137 — JRA

1. Folder was not marked critical area.

#139 — MJK

1. Receipt was not given to petitioner or attorney; still in folder.
2. No address or telephone number for legal owner.
3. Petition says zoning is "O-2"; folder says "OR-2" - which is correct?

#140 — CAM

1. No telephone number for legal owner.
2. Petition says zoning is "DR55".

#141 — MJK

1. Need printed name and title of person signing for legal owner, along with power of attorney.
2. Need printed name and title of person signing for contract purchaser., along with power of attorney.

#142 — CAM

1. No review information on bottom of petition form.

#143 — JJS

1. Need title of person signing for legal owner, along with power of attorney.
2. Need telephone number for legal owner.

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

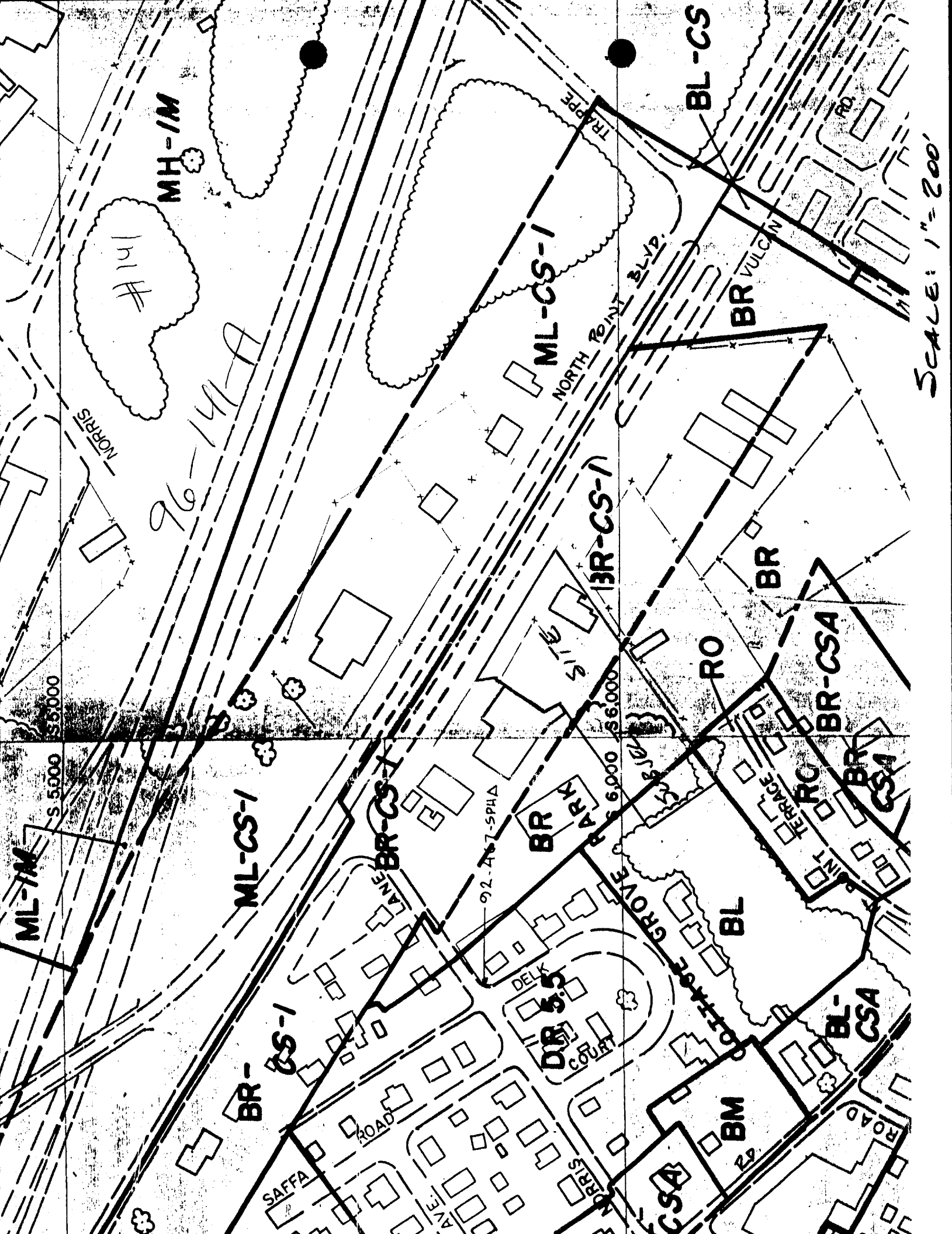
NAME

Stanley Janscher

ADDRESS

2719 North Point Blvd Beeto 21202





SCALE: 1" = 200'

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
S/S North Point Blvd. 345 ft. * ZONING COMMISSIONER
E of C/I Norris Lane *
2719 North Point Blvd. *
15th Election District * OF BALTIMORE COUNTY
7th Councilmanic District *
Legal Owner: SSK Partnership * Case No. 96-141-A
Contract Purchaser: Cox Auto
Parts, Inc., Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

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A review of the case file, prior decisions of this office and the limited testimony offered by Mr. Dansicker disclose that the subject property is approximately 2.00 acres in area, split zoned B.R.-C.S.-1,

B.R. and B.L. The site is an irregularly shaped property which fronts North Point Blvd. in eastern Baltimore County. The site is utilized to the operation of Cox Auto Parts, Inc., a company which conducts used auto parts sales, a junk yard operation and used car reconditioning. This is a family business operated by Mr. Dansicker and others. Examination of the site plan shows that the front portion of the site, adjacent to North Point Boulevard is zoned B.R.-C.S.-1 and contains the majority of the improvements on the entire property. These include an existing 2400 sq. ft. shed, a 3278 sq. ft. building which contains a 1600 sq. ft. addition, a 144 sq. ft. existing trailer and an existing service area. Moreover, several other small buildings are situated on the front of the parcel as well as a designated parking area. The rear of the site, which is zoned B.R. and B.L. is fenced and is used as a junk yard.

Mr. Dansicker indicated that the company's primary business is that of an automobile recycler and junk yard. It obtains damaged automobiles from insurance companies and breaks down the vehicles to sell used parts. There is also some sale of vehicles from the site.

The Petitioner proposes constructing another building on the property. This building will be 60 ft. in depth and 40 ft. in width with a proposed floor area of 2620 sq. ft. The building will be utilized so as to provide more indoor space for the businesses which operate on the site. The building will be situated near the southern property line, and will contain approximately a 2 ft. setback. This is consistent with a 2 ft. setback maintained by an addition to an existing building.

The Petitioner claims that the variance is appropriate and consistent with the surrounding locale. Indeed, a site visit to the property and examination of the site plan shows that similar industrial/retail businesses exist nearby. The property is located in the long established commer-

-2-

cial area of the County and has been utilized in the current fashion for many years.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the B.C.Z.R. and the case law. The Petitioner has met the practical difficulty test and established that the property is unique. The uniqueness comes from the shape of the property and an existing nonconforming use thereon. The additional building is consistent with the long term use of this property and the use of surrounding properties.

The more difficult issue presented in this case relates to the Zoning Plans Advisory Committee comment. The Office of Planning recommends the attachment of two conditions should variance relief be granted. First, that office suggests that seasonal streamers and banners not be utilized in connection with the used car sales operation of the property. Also, the Office of Planning suggests that the applicant should meet with the County's Landscape Architect in order to address the need for street trees along North Point Boulevard. The office notes that the planting of such trees would be consistent with the County's attempt to improve the visual quality along North Point Boulevard and to revitalize the area. The office of Development Plans Review suggests that the variance request is subject to the Landscape Manual requirements. Although this is, indeed, the case as to the proposed construction, the remainder of the site is grandfathered from compliance with the current landscape requirements.

Landscaping a junk yard is somewhat oxymoronic. Nonetheless, this vicinity is the focus of County revitalization efforts. I will grant the variance request, however, I will require the Petitioner to consult the County's Landscape Architect for the purpose of developing a plan to

-3-

landscape the front portion of the property adjacent to North Point Boulevard. Obviously, the inherent nature and use of this site limit the amount of visual screening which can be applied. However, some efforts to buffer the use from North Point Boulevard consistent with the County's revitalization efforts for this overall area is appropriate. Moreover, I will adopt the comment from the Office of Planning regarding the limitation on the outdoor advertising for the property.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 22nd day of March, 1996 that a variance from Section 238.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a side yard setback of 2 ft. for a proposed addition to an existing building for which a side yard setback of 2 ft. was previously granted in case No. 87-416-A, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance to permit a distance of 52 ft. between buildings in lieu of the required 60 ft. in accordance with a nonconforming use designation approved for the subject property and use thereon in case No. 3814, be and is hereby GRANTED subject, however, to the following restrictions:

1. The Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. Prior to the issuance of any building permits, the Petitioner shall meet with the County's Landscape Architect in order to address the need for street trees along North Point Boulevard and develop a plan for same consistent with the comments herein.

-4-

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

March 21, 1996

Mr. Stanley Dansicker
2719 North Point Boulevard
Baltimore, Maryland 21222

RE: Case No. 96-141-A
Petition for Zoning Variance
Property: 2719 North Point Blvd.

Dear Mr. Dansicker:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, with restrictions.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

Lawrence E. Schmidt
Zoning Commissioner

LES:mmm
att.



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2719 North Point Blvd.
which is presently zoned BR-C.S.-1, BR & BL

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 238.2 to permit a sideyard setback of 2' for a proposed addition to an existing building for which a sideyard setback of 2' was granted in case #87-416A and a distance of 52' between buildings in lieu of required 60' (a variance of 28' & 8') in accordance with the non-conforming use granted in Case #3814 of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

To be determined at Hearing

Property is to be posted and advertised as prescribed by Zoning Regulations. I or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

Cox Auto Parts, Inc.

(Type or Print Name)

Signature

2719 North Point Blvd.

Address

Baltimore, MD 21222

City

State

Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Who do I certify declare and affirm, under the penalties of perjury, that I am the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s)

SSAK Partnership

(Type or Print Name)

Signature

2719 North Point Blvd.

Address

Baltimore, MD 21222

City

State

Zipcode

Name

Address

City

State

Zipcode

Phone No.

Phone No.

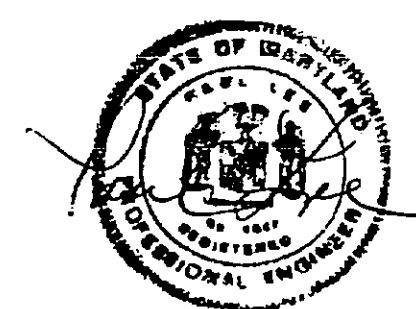
ESTIMATED LENGTH OF HEARING

See following date

ALL OTHER

REVIEWED BY: DATE

Printed with Soybean Ink
on Recycled Paper



Engineers — Surveyors — Site Planners

9/14/95
J.O. 86-033

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 West Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case #96-141-A (Item 141)
2719 North Point Boulevard
5/8 North Point Boulevard
345' E of c/l Morris Lane
15th Election District
7th Councilmanic
Legal Owner: SS&K Partnership
Contract Purchaser: Cox Auto Parts, Inc.

Variance to permit a side yard setback of 2 feet for a proposed addition to an existing building for which a side yard setback of 2 feet was granted in case #87-416-A and a distance of 52 feet between buildings in lieu of the required 60 feet in accordance with the non-conforming use granted in Case #3814.

Hearing: Monday, November 13, 1995 at 11:00 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are handicapped accessible. For special accommodations please call 887-3353. (2) If information concerning the file and/or hearing, please call 887-3391.

10/20/95 Oct. 19.

CERTIFICATE OF PUBLICATION

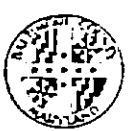
TOWSON, MD., 10/23, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10/19, 1995.

THE JEFFERSONIAN,

A. Henickson
LEGAL AD. - TOWSON

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Arnold Jablon
ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 141

Petitioner: SS&K Partnership

Location: 2719 North Point Blvd

PLEASE FORWARD ADVERTISING BILL TO:

NAME: SS&K Partnership

ADDRESS: 2719 North Point Blvd.

13-14 MD 21202

PHONE NUMBER: (410) 288-6646

Adj:gs

(Revised 04/09/93)

TO: PUTNEY PUBLISHING COMPANY
October 19, 1995 Issue - Jeffersonian

Please forward billing to:

SS&K Partnership
2719 North Point Boulevard
Baltimore, MD 21222
288-6646

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-141-A (Item 141)
2719 North Point Boulevard
5/8 North Point Boulevard, 345' E of c/l Morris Lane
15th Election District - 7th Councilmanic
Legal Owner: SS&K Partnership
Contract Purchaser: Cox Auto Parts, Inc.

Variance to permit a side yard setback of 2 feet for a proposed addition to an existing building for which a side yard setback of 2 feet was granted in case #87-416-A and a distance of 52 feet between buildings in lieu of the required 60 feet in accordance with the non-conforming use granted in Case #3814.

HEARING: MONDAY, NOVEMBER 13, 1995 at 11:00 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

October 12, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-141-A (Item 141)
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HEARING: MONDAY, NOVEMBER 13, 1995 at 11:00 a.m. in Room 118, Old Courthouse.

Arnold Jablon
Arnold Jablon
Director

cc: SS&K Partnership/Cox Auto Parts, Inc.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No.

007847

DATE: 9/29/95

ACCOUNT: 01-615

Item: 141

By: 2719

AMOUNT: \$ 285.00

RECEIVED FROM: SS&K Partnership-2719 North Point Blvd.

020-Comm Variance - \$ 250.00

020-2500 Petition - \$ 35.00

FOR: 96-141-A

PAID TO: 020-2500 Petition - \$ 35.00

PAID TO: 020-2500 Petition - \$ 35.00

VALIDATION OR SIGNATURE OF CASHIER

WRITE - CASHIER PINK - AGENT YELLOW - CUSTOMER

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM DATE: October 20, 1995

FROM: Pat Keller, Director, OP

SUBJECT: 2719 North Point Road

INFORMATION:

Item Number: .41

Petitioner: SS&K Partnership

Property Size: _____

Zoning: BR-AS, BR and BL

Requested Action: Variance

Hearing Date: 1 / 1

SUMMARY OF RECOMMENDATIONS:

Staff recommends the following conditions be attached should the applicant's request be granted.

- 1) Seasonal streamers and banners should not be used in connection with the used car sales operation on the property.
- 2) Prior to the issuance of building permits, the applicant should meet with the County Landscape Planner in order to address the need for street trees along North Point Boulevard. The provision of street trees would be consistent with the County's attempt to improve the visual quality along the North Point Boulevard Corridor.

Prepared by: *Jeffrey W. Long*

Division Chief: *Carol Kern*

PK/JL



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

November 6, 1995

Cox Auto Parts, Inc.
2719 North Point Blvd.
Baltimore, MD 21222

RE: Item No.: 141
Case No.: 96-141-A
Petitioner: SS&K Partnership

Gentlemen:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on September 29, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

**BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE**

TO: Arnold Jablon, Director DATE: Oct. 18, 1995
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Development Plans Review Division

RE: Zoning Advisory Committee Meeting
for October 16, 1995
Item No. 141

The Development Plans Review Division has reviewed the subject zoning item. This variance request is subject to the Landscape Manual requirements.

RWB:sw

10/19/1995 10:49 1410887-4X 5108 PAGE 01

**BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE**

TO: ZADM - Joyce Watson
FROM: DEPRM
Development Coordination
SUBJECT: Zoning Advisory Committee
Agenda: 10/18 and 19/10/95

DATE: 10/19/95

| Post-it Fax Note | 7671 | Date | 10/19/95 | Page | 1 |
|------------------|------------------|------|----------|------|---|
| To: Joyce Watson | From: Kelly Sann | | | | |
| Call/Dep: PDM | Call: Kelly Sann | | | | |
| Phone: 5708 | Phone: 3980 | | | | |
| Fax: 5708 | Fax: 3980 | | | | |

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee items:

| Item #'s: | 123 | 130 |
|-----------|-----|-----|
| | 124 | 137 |
| | 125 | 138 |
| | 126 | 141 |
| | 127 | 142 |
| | 131 | 143 |
| | 132 | 144 |

LS:sd

LETTY2/DEPRM/TXT5BP

700 East Joppa Road, Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 10/11/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

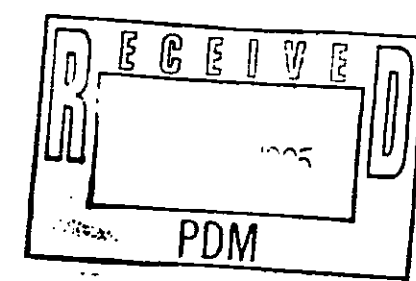
LOCATION: DISTRIBUTION MEETING OF OCT. 10, 1995.

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

B. The Fire Marshal's Office has no comments at this time. IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 135, 136, 137, 138, 139, 140, 141, 142 AND 144.



REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4591, MS-1102F

cc: File

Printed on Recycled Paper

David L. Winstead
Secretary
Hal Kassoff
Administrator

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 141 (MJK)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval, as a field inspection reveals the existing entrance(s) onto MD/US 151 are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA projects.

Please contact Bob Small at 410-333-1350 if you have any questions. Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
Ronald Burns, Chief
Engineering Access Permits
Division

BS

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

| NAME | ADDRESS |
|-------------------------|-----------------------------------|
| <i>Stanley Danziger</i> | 2719 North Point Blvd. Bldg 21204 |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |

PETITION PROBLEMS

#133 — MJK

1. No telephone number for legal owner.

#136 — JRA

1. No zoning on petition form.

#137 — JRA

1. Folder was not marked critical area.

#139 — MJK

1. Receipt was not given to petitioner or attorney; still in folder.
2. No address or telephone number for legal owner.
3. Petition says zoning is "O-2", folder says "OR-2" - which is correct?

#140 — CAM

1. No telephone number for legal owner.
2. Petition says zoning is "DR55".

#141 — MJK

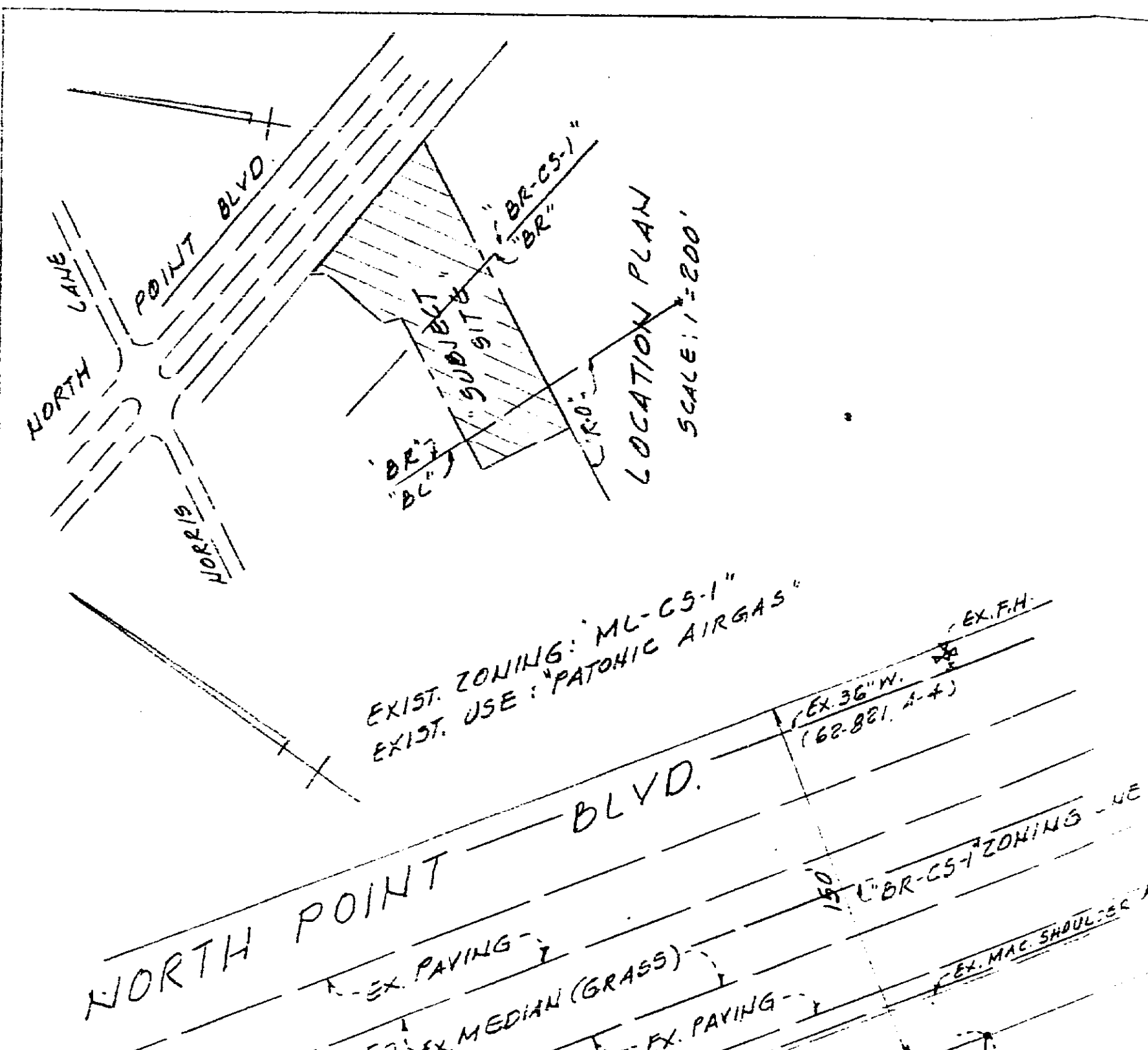
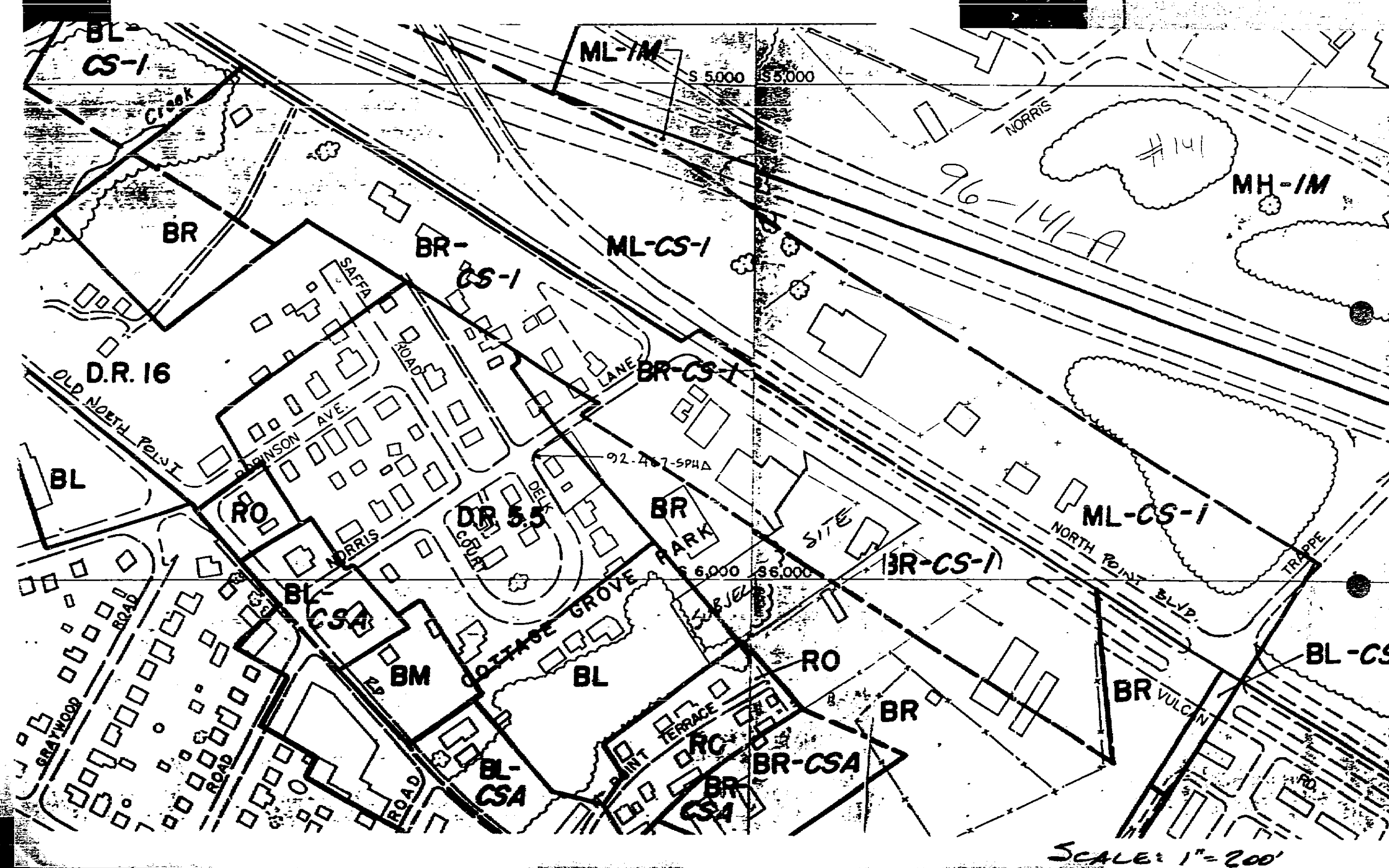
1. Need printed name and title of person signing for legal owner, along with power of attorney.
2. Need printed name and title of person signing for contract purchaser, along with power of attorney.

#142 — CAM

1. No review information on bottom of petition form.

#143 — JJS

1. Need title of person signing for legal owner, along with power of attorney.
2. Need telephone number for legal owner.



GENERAL NOTES

1. AREA OF SITE = 2.00 AC.
2. EXIST. ZONING OF SITE = "BR-CS-1, BR 4 BL" (CASE # 3814)
3. EXIST. USE OF SITE = "USED AUTO PARTS SALES, JUNK YARD, 1 USED CAR RECONDITIONING"
4. PROP. ZONING OF SITE = "BR-CS-1, BR 4 BL" (CASE # 3814)
5. PROP. USE OF SITE = "USED AUTO PARTS SALES, JUNK YARD, 1 USED CAR RECONDITIONING"
6. REQUIRED OFF STREET PARKING:
 - A. USED AUTO PARTS SALE = 540 SF @ 8/1000 = 271 FS
 - B. USED CAR RECONDITIONING = 8770 SF @ 3/1000 = 289 FS
 - C. PROP. ADDITION = 2420 SF @ 3/1000 = 80 FS
 - TOTAL = 390 FS
7. PARKING SPACES 340 MIN
8. EXIST. SEWER & WATER AVAILABLE TO SITE
9. ZONING HISTORY: CASE # 3814 & 87-416A
10. PETITIONER REQUESTING VARIANCE TO SECTION 22A.2 OF THE BCZT TO PERMIT A SIDE YARD SETBACK OF 2' FOR A PROPOSED ADDITION TO AN EXISTING BUILDING FOR WHICH A SIDE YARD VARIANCE OF 2' WAS GRANTED IN CASE # 87-416A & 4 SE DISTANCE BETWEEN BUILDINGS IN JUNK YARD OF 20' (A VAR. OF 20' & 4 SE).
11. PETITIONER PROPOSES TO USE PROPOSED ADDITION FOR EXTENDED CY BEING DONE IN EXISTING BUILDING AND SERVICE AREAS. PERMITTED TO CONTINUE USING SITE IN ACCORDANCE WITH (SEE CASE # 3814).

PLAT TO ACCOMPANY PETITION

FOR

YARD VARIANCE

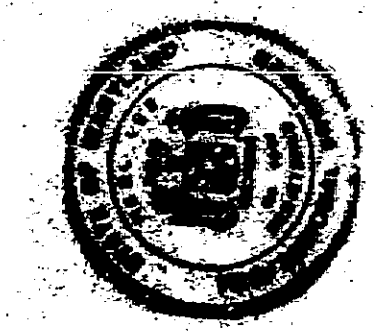
#2719 NORTH POINT BOULEVARD

15' SECT DIST.

SCALE 1" = 50'

BALTIMORE COUNTY, MD.

SEPT. 15, 1995



OWNER:
STANLEY DANZIGER
2719 NORTH POINT BOULEVARD
BALTIMORE, MARYLAND 21204

PAUL LEE ENGINEERING, INC.
304 W. PENNSYLVANIA AVE.
TOWSON, MARYLAND 21204

141

96-141-A

86-033